

AN ACT in relation to aging.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 1. Short title. This Act may be cited as the
Community Senior Services and Resources Act.

Section 5. Legislative findings. The General Assembly
recognizes that community senior services and resource
centers:

(1) provide one-stop convenience for seniors and
their families;

(2) assist seniors in avoiding inappropriate
institutionalization; and

(3) address the health, safety, and well-being of
those who receive senior services at home and those who
receive them in an institutional setting.

Section 10. Legislative intent. It is the intent of the
General Assembly that the Department advocate on behalf of
community senior services and resource centers and promote
their financial stability through direct grants and
identification of alternative funding sources.

Section 15. Definitions. For the purposes of this Act:

"Advisory Committee" means the Community Senior Services
and Resource Center Advisory Committee created under Section
35.

"Center" means a community senior services and resource
center.

"Department" means the Department on Aging.

"Director" means the Director of Aging.

"Senior" means an individual 60 years of age or older.

"Home or community based services" includes the following: elder abuse; home-delivered meals; case management; wellness and fitness programs; counseling; adult day services; respite care; senior benefits outreach; congregate meals; long-term care ombudsman services; job training and placement; transportation; chore homemaker services; caregiver support; computer literacy; and any program that assists participants in avoiding inappropriate institutional placement or addresses participants' health, safety, or well-being, regardless of whether the service is received in a participant's home or in an institutional setting and a majority of participants are seniors or family of seniors.

Section 20. Duties. The Department shall perform all of the following duties:

(1) Administer this Act and promulgate any rules, regulations, guidelines, and directives necessary for its implementation.

(2) Establish a Community Senior Services and Resource Center Advisory Committee.

(3) Make grants to non-profit agencies and units of local government under Section 25 of this Act in consultation with the Advisory Committee.

(4) Facilitate access to government-issued bonds for the purpose of capital improvement.

(5) Provide technical assistance to centers.

(6) Develop a comprehensive list of centers and the senior services they offer for publication on the Department's web site and for distribution through other promotional opportunities.

(7) Develop a survey for annual distribution through the centers to gather information concerning the lack or inadequacy of senior services and to identify

service demand trends and the unique needs of older Illinoisans and their families.

(8) Conduct an annual survey of centers to assess their facility, program, and operational needs.

(9) Report annually in conjunction with the Advisory Committee to the Governor and the General Assembly. The report shall include findings from all surveys conducted pursuant to this Act, a list of grantees by county (including amounts awarded), and recommendations concerning the ongoing financial stability of centers.

(10) Pursue alternative funding opportunities.

Section 25. Community senior services and resource center grants.

(a) On and after January 1, 2005, the Department may award grants under this Act. It is the General Assembly's intent that grants awarded under this Act shall be made to the extent of the availability and level of appropriations made for this purpose by the General Assembly.

(b) A center must meet the following criteria to be eligible to receive a grant under this Section:

(1) It must be a non-profit agency or a unit of local government.

(2) It must be housed in a building or portion of a building that includes space for group activities offered to the community at large.

(3) It must be open 5 or more days each week, 7 or more hours per day.

(4) It must employ paid staff.

(5) It must offer 5 or more home or community-based services to the community at large on a daily basis.

(6) A majority of the participants in the center's programs must be seniors or family members of seniors.

(c) A center must apply for a grant in the manner prescribed by the Department. At a minimum, the application must do the following:

(1) Describe the services offered by the center.

(2) Identify the special needs of the center and how the grant will be used to alleviate identified funding problems.

(3) Demonstrate that the center addresses the service needs of seniors in the community served by the center.

(4) Describe other potential funding sources.

(5) Describe additional funding opportunities, if any, to be leveraged with grant funds.

(6) Provide proof of the center's involvement in the community's greater service delivery system.

(7) Provide documentation that funds were requested from other sources, including, but not limited to, units of local government, local donors, local Area Agencies on Aging, or private or religious foundations.

(8) Include letters of support for the awarding of the grant, from sources such as local government officials, community leaders, other human service providers, the local Area Agency on Aging, private or religious foundations, or local membership-based organizations.

Section 30. Funding; waivers. The Director may seek and obtain non-State resources for which the State may be eligible and other dedicated revenue streams and may also seek and obtain waivers of federal requirements from the U.S. Department of Health and Human Services.

Section 35. Community Senior Services and Resource Center Advisory Committee.

(a) The Community Senior Services and Resource Center Advisory Committee shall be established by the Department. The Advisory Committee shall advise the Director in all aspects of the administration of this Act, including the determination of grant awards.

(b) The Advisory Committee shall be composed of the Director, who shall serve as a nonvoting ex officio member, and 14 voting members. The voting members shall select a chairperson from among their number. The Governor shall appoint the 14 voting members as follows:

(1) Two members selected from recommendations provided by an association representing non-profit centers.

(2) Two members selected from recommendations provided by an association representing township governments.

(3) Two members selected from recommendations provided by an association representing park districts.

(4) Two members selected from recommendations provided by an association representing municipalities.

(5) Two members selected from recommendations provided by statewide membership-based organizations that engage solely in advocacy on behalf of the senior population.

(6) Two members selected from individuals who are active participants in programs at a center.

(7) Two members who are directors of Area Agencies on Aging.

(c) All voting members shall be appointed by January 1, 2004. As determined by lot at the time of their appointment, 4 of the initial appointee's terms shall expire in one year; 5 in 2 years; and 5 in 3 years. Thereafter, all voting members shall be appointed to serve for terms of 3 years. A voting member's term does not expire until a successor is

appointed by the Governor. A voting member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term.

(d) The Advisory Committee shall meet on a quarterly basis and at other times at the call of the chair. The affirmative vote of 7 members of the Advisory Committee shall be required to take action. Members of the Advisory Committee shall receive no compensation for their service and shall not be reimbursed for expenses related to their service.

(e) To the extent possible, members of the Advisory Committee shall assist the Department in reviewing grant applications.

(f) The Advisory Committee shall be provided with draft copies of proposed survey instruments for their review and comment before the survey is conducted.

(g) The Advisory Committee shall be provided with copies of all administrative rules and changes to administrative rules implementing this Act for their review and comment before notice of the proposed rules or changes is given as required under the Illinois Administrative Procedure Act. If the Advisory Committee, having been asked for its review, fails to comment to the Department on the proposed rules or changes within 90 days, the Department may proceed as required for rulemaking under the Illinois Administrative Procedure Act.

Section 40. Community Senior Services and Resources Fund. The Community Senior Services and Resources Fund is created as a special fund in the State treasury. All moneys received by the Department for the implementation of this Act shall be deposited into the Fund. Subject to appropriation, moneys in the Fund shall be used for grant awards and for the administration of this Act. Interest earned on moneys in the

Fund shall be credited to the Fund.

Section 85. The Deposit of State Moneys Act is amended by changing Section 7 as follows:

(15 ILCS 520/7) (from Ch. 130, par. 26)

Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer. A bank or savings and loan association whose proposal is approved shall be eligible to become a State depository for the class or classes of funds covered by its proposal. A bank or savings and loan association whose proposal is rejected shall not be so eligible. The State Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan associations which are approved as State depositories for time deposits.

(b) The State Treasurer may, in his discretion, accept a proposal from an eligible institution which provides for a reduced rate of interest provided that such institution documents the use of deposited funds for community development projects.

(b-5) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for a reduced rate of interest, provided that such institution agrees to expend an amount of money equal to the amount of the reduction for the preservation of Cahokia Mounds.

(b-10) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for a reduced rate of interest, provided that the institution agrees to expend an amount of money equal to the amount of the reduction for senior centers.

(c) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides

for interest earnings on deposits of State moneys to be held by the institution in a separate account that the State Treasurer may use to secure up to 10% of any (i) home loans to Illinois citizens purchasing a home in Illinois in situations where the participating financial institution would not offer the borrower a home loan under the institution's prevailing credit standards without the incentive of a reduced rate of interest on deposits of State moneys, (ii) existing home loans of Illinois citizens who have failed to make payments on a home loan as a result of a financial hardship due to circumstances beyond the control of the borrower where there is a reasonable prospect that the borrower will be able to resume full mortgage payments, and (iii) loans in amounts that do not exceed the amount of arrearage on a mortgage and that are extended to enable a borrower to become current on his or her mortgage obligation.

The following factors shall be considered by the participating financial institution to determine whether the financial hardship is due to circumstances beyond the control of the borrower: (i) loss, reduction, or delay in the receipt of income because of the death or disability of a person who contributed to the household income, (ii) expenses actually incurred related to the uninsured damage or costly repairs to the mortgaged premises affecting its habitability, (iii) expenses related to the death or illness in the borrower's household or of family members living outside the household that reduce the amount of household income, (iv) loss of income or a substantial increase in total housing expenses because of divorce, abandonment, separation from a spouse, or failure to support a spouse or child, (v) unemployment or underemployment, (vi) loss, reduction, or delay in the receipt of federal, State, or other government benefits, and (vii) participation by the homeowner in a recognized labor action such as a strike. In determining whether there is a

reasonable prospect that the borrower will be able to resume full mortgage payments, the participating financial institution shall consider factors including, but not necessarily limited to the following: (i) a favorable work and credit history, (ii) the borrower's ability to and history of paying the mortgage when employed, (iii) the lack of an impediment or disability that prevents reemployment, (iv) new education and training opportunities, (v) non-cash benefits that may reduce household expenses, and (vi) other debts.

For the purposes of this Section, "home loan" means a loan, other than an open-end credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit for a single-family dwelling as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure designed principally for the occupancy of no more than 4 families and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the eligible institution.

(Source: P.A. 92-482, eff. 8-23-01; 92-531, eff. 2-8-02;

92-625, eff. 7-11-02; revised 8-26-02.)

Section 90. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Community Senior Services and Resources Fund.

Section 92. The Public Funds Investment Act is amended by adding Section 2.10 as follows:

(30 ILCS 235/2.10 new)

Sec. 2.10. Unit of local government; deposit at reduced rate of interest. The treasurer of a unit of local government may, in his or her discretion, deposit public moneys of that unit of local government in a financial institution pursuant to an agreement that provides for a reduced rate of interest, provided that the institution agrees to expend an amount of money equal to the amount of the reduction for senior centers.

Section 95. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 7 as follows:

(815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

Sec. 7. Injunctive relief; restitution; and civil penalties.

(a) Whenever the Attorney General or a State's Attorney has reason to believe that any person is using, has used, or is about to use any method, act or practice declared by this Act to be unlawful, and that proceedings would be in the public interest, he or she may bring an action in the name of the People of the State against such person to restrain by

preliminary or permanent injunction the use of such method, act or practice. The Court, in its discretion, may exercise all powers necessary, including but not limited to: injunction; revocation, forfeiture or suspension of any license, charter, franchise, certificate or other evidence of authority of any person to do business in this State; appointment of a receiver; dissolution of domestic corporations or association suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution.

(b) In addition to the remedies provided herein, the Attorney General or State's Attorney may request and the Court may impose a civil penalty in a sum not to exceed \$50,000 against any person found by the Court to have engaged in any method, act or practice declared unlawful under this Act. In the event the court finds the method, act or practice to have been entered into with the intent to defraud, the court has the authority to impose a civil penalty in a sum not to exceed \$50,000 per violation.

(c) In addition to any other civil penalty provided in this Section, if a person is found by the court to have engaged in any method, act, or practice declared unlawful under this Act, and the violation was committed against a person 65 years of age or older, the court may impose an additional civil penalty not to exceed \$10,000 for each violation.

A civil penalty imposed under this subsection (c) shall be paid to the State Treasurer who shall deposit the money in the State treasury in a special fund designated the Elderly Victim Fund. The Treasurer shall deposit such moneys into the Fund monthly. All of the moneys deposited into the Fund shall be appropriated to the Department on Aging for grants to senior centers in Illinois. ~~Fifty-percent-of--all--moneys deposited--in--the-Fund--shall--be--appropriated--to--the--Attorney~~

General for the investigation and prosecution of frauds against persons 65 years of age or older and 50% of all moneys in the Fund shall be appropriated to the Attorney General to develop and implement State-wide education initiatives to inform persons 65 years of age or older, law enforcement agencies, the judicial system, social service professionals, and the general public about prevention of consumer crimes against persons 65 years of age or older, and about the provisions of this Section, the penalties for violations of this Section, and the remedies available for victims of these violations.

An award of restitution under subsection (a) has priority over a civil penalty imposed by the court under this subsection.

In determining whether to impose a civil penalty under this subsection and the amount of any penalty, the court shall consider the following:

(1) Whether the defendant's conduct was in willful disregard of the rights of the person 65 years of age or older.

(2) Whether the defendant knew or should have known that the defendant's conduct was directed to a person 65 years of age or older.

(3) Whether the person 65 years of age or older was substantially more vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired understanding, restricted mobility, or disability, than other persons.

(4) Any other factors the court deems appropriate.

(d) This Section applies if: (i) a court orders a party to make payments to the Attorney General and the payments are to be used for the operations of the Office of the Attorney General or (ii) a party agrees, in an Assurance of Voluntary Compliance under this Act, to make payments to the Attorney

General for the operations of the Office of the Attorney General.

(e) Moneys paid under any of the conditions described in subsection (d) shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund, which is created as a special fund in the State Treasury. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General including but not limited to enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose.

(Source: P.A. 90-414, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.